

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO ALL
CLASS ACTIONS

)
) MDL No. 1456

)
) CIVIL ACTION: 01-CV-12257-PBS

)
) Judge Patti B. Saris

**PLAINTIFFS' MOTION FOR LEAVE TO JOIN HAROLD BEAN AS A PLAINTIFF
AND PROPOSED CLASS REPRESENTATIVE**

Plaintiffs move the Court for leave to join as an additional Plaintiff and proposed Class 1 representative, Harold Bean. In support of this motion, Plaintiffs state as follows.

Class Plaintiffs have been diligently following the Court's Order to identify Class 1 representatives. As the Court knows, many of these class representatives are gravely ill.

On the eve of filing Class Plaintiffs' motion to certify Track 2 claims, Class Plaintiffs obtained the records necessary to add Mr. Bean as a proposed class representative for Class 1. Mr. Bean is 85 years old, covered by the Medicare Part B program and paid for epoetin alfa [both Procrit and Epogen], methyprednisolone, normal saline solution, ringers lactate infusion, adrenalin epinephrine injection, atropine sulfate injection, albuterol sulfate inhalation solution, ipratropium bromide, and goserelin acetate injection [Zoladex], all AWPIDs. His records have been turned over to the Defendants in time for them to conduct whatever discovery is needed.

Therefore, Class Plaintiffs request that their motion be granted and ask that the following paragraph be added to the Fourth Amended Master Consolidated Class Action Complaint:

24A. Plaintiff Harold Bean resides in Rockport, Texas
and is a 85 year old Medicare Part B recipient with supplemental

insurance. Mr. Bean suffers from a number of acute medical conditions, including prostate cancer and a respiratory condition. During the applicable time period, Mr. Bean was prescribed, and was charged for, among others, the following physician-administered drugs, based in whole or in part on AWP: epoetin alfa [both Procrit and Epogen], methyprednisolone, normal saline solution, ringers lactate infusion, adrenalin epinephrine injection, atropine sulfate injection, albuterol sulfate inhalation solution, ipratropium bromide, and goserelin acetate injection [Zoladex]. Mr. Bean has made payments for the foregoing drugs, as his supplemental insurance requires him to make percentage payments. Mr. Bean is a proposed class representative for, among other Track 2 defendants, Abbott, Amgen, Baxter, Dey, the Fujisawa Group, Pharmacia, and Warrick.

Pursuant to Fed. R. Civ. P. 37(a)(2) and L.R., D. Mass 37.1, undersigned counsel certifies that Plaintiffs have conferred with counsel for defendants regarding the issues raised in this Motion, but the parties were unable to narrow their areas of dispute.

DATED: May 16, 2006.

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on May 16, 2006, I caused copies of **PLAINTIFFS' MOTION FOR LEAVE TO JOIN HAROLD BEAN AS A PLAINTIFF AND PROPOSED CLASS REPRESENTATIVE** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman